

The Honorable Kymberly K. Evanson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STEVEN FLOYD, JOLENE FURDEK, AND
JONATHAN RYAN, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware corporation,
and APPLE INC., a California corporation,

Defendants.

Case No. 2:22-cv-01599-KKE

**DECLARATION OF JOHN
GOLDMARK IN SUPPORT OF
DEFENDANTS' MOTION FOR
COSTS AND ATTORNEYS' FEES**

1 I, John A. Goldmark, declare as follows:

2 1. I am a partner with the law firm of Davis Wright Tremaine LLP (“DWT”),
3 counsel for defendant Amazon.com, Inc. (“Amazon”) in this matter. I make this declaration in
4 support of Amazon’s Motion for Costs and Attorneys’ Fees. I have personal knowledge of the
5 facts set forth in this declaration, and if called as a witness, I could and would competently
6 testify to them.

7 2. I was personally responsible for overseeing the work by DWT relating to the
8 Motion to Compel (Dkt. 104) and Motion for Sanctions seeking an order to show cause (Dkt.
9 152) (“Motions”), subject to the Court’s April 10, 2025, Order (“April 10 Order”). Dkt. 203. I
10 am personally responsible for reviewing time entries detailing the work performed by DWT on
11 behalf of Amazon in the Litigation.

12 3. **Total Amount of Attorneys’ Fees & Costs Incurred.** As set forth below, the
13 total attorneys’ fees and costs for DWT’s work in connection with these two motions totals
14 \$12,296.00 in fees.

- 15 a. **Exhibit A** reflects data maintained in DWT’s electronic billing systems,
16 which in turn consists of contemporaneous records of time entries by the
17 attorneys who worked on this matter.
- 18 b. These billing records have been truncated to remove individual billing
19 narratives, which reflect client confidences, work product, and privileged
20 matters. If the Court deems it necessary to review detailed billing
21 narratives for each time entry, I can supplement this application with that
22 detail for *in camera* review.
- 23 c. I attest that the time entries on **Exhibit A** accurately reflect my firm’s
24 services and the attorney time performed for Amazon by DWT on the
25 above-referenced Motions.
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1 4. **Work Performed.** DWT represented Amazon as Washington counsel and co-
2 counsel with two Motions attempting to obtain discovery from Steven Floyd. DWT's role in
3 these Motions included:

- 4 a. Assessing the record, local rules, and related briefing, and advising
5 Amazon and Sidley Austin on litigation strategy with respect to the
6 Motions; and
7 b. Preparing for, advising Sidley Austin and Amazon regarding, and
8 attending the hearings on the Motions.

9 5. **Individuals Working on the Motions.** The attorneys who primarily worked on
10 the Motions were myself and MaryAnn Almeida. The total time devoted by each person is
11 reflected in *Exhibit A*.

12 6. **Qualification and Billing Rates.** I am a partner at the Seattle office of Davis
13 Wright Tremaine LLP. I am a 2008 graduate of the University of Washington School of Law,
14 and I was admitted to the Washington State Bar in 2008. Before joining Davis Wright Tremaine
15 LLP, I clerked for the Honorable John C. Coughenour in the United States District Court for the
16 Western District of Washington. I have more than fifteen years of complex litigation experience,
17 including trying cases and handling numerous cases in state and federal courts. My billing rate
18 was \$855 in 2024, and is \$940 in 2025.

19 7. Ms. Almeida is counsel at the Seattle office of Davis Wright Tremaine LLP. She
20 graduated with honors from the University of Chicago Law School in 2014. Ms. Almeida
21 clerked on the U.S. Court of Appeals for the District of Columbia Circuit and the United States
22 District Court for the Eastern District of Pennsylvania. She is admitted to practice in the District
23 of Columbia and Washington State. Her billing rate was \$755 in 2024, and is \$830 in 2025.

24 8. **Reasonableness of Fees.** In my experience, time spent by DWT in connection
25 with the motions was reasonable. DWT's work in connection with the Motions required strategy
26 coordination and attendance at two hearings. In an effort to be conservative, however, I have
27 personally reviewed our billing records for the two motions and have pre-emptively removed

1 time entries that related to tasks that encompassed more than just the two motions at issue. For
 2 example, Plaintiffs filed their motion to withdraw in response to Defendants motion for
 3 sanctions, so Defense work was often combined. I have removed and we are not seeking
 4 attorneys' fees or costs for any combined work. Additionally, we have removed any time entries
 5 related to communicating with our client regarding the motions. The result is 15.2 hours of total
 6 work, which in my experience, is very efficient to accomplish DWT's role in the two motions at
 7 issue.

8 9. DWT's billing rates have been accepted as reasonable in other cases. *See, e.g.,*
 9 *Amazon.com, Inc. v. Wong*, 2022 WL 1092518, at *2 (W.D. Wash. 2022) (finding DWT's
 10 standard rates reasonable, including \$785 per hour for partners, and \$535 per hour for DWT
 11 associates, because such rates are "comparable to those prevailing in the community for similar
 12 work performed by attorneys of comparable skill, experience, and reputation") (internal
 13 quotation marks omitted); *Amazon.com, Inc. v. Trey King*, No. 22-2-12548-9 SEA (Wash. Super.
 14 Ct. Mar. 12, 2024) (unpublished) (finding DWT's \$129,443.00 in attorneys' fees reasonable in
 15 granting default judgment); *Amazon.com, Inc. v. Bishal*, No. 22-2-12548-9 SEA (Wash Super.
 16 Ct. Mar. 12, 2024) (unpublished) (finding DWT's \$78,944.00 in attorneys' fees reasonable in
 17 granting default judgment); *Ebbeler v. Andrews*, 21 Wn. App. 2d 1005, 2022 WL 594121, at *15
 18 (unpublished) (affirming \$264,372 fee award and trial court's finding that DWT's rates were
 19 "objectively reasonable in light of the experience of counsel representing Defendant in this
 20 locale"); *denied*, 199 Wn.2d 1024 (2022); *Buich v. Tadich Grill Dev. Co.*, 11 Wash.App.2d
 21 1063, 2020 WL 60310, at *8-9 (2020) (unpublished) (upholding lodestar award based on DWT's
 22 standard rates because "[w]here attorneys have an established rate for billing clients, that rate
 23 will likely be the reasonable rate").

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct.

3 Executed on this 2nd day of May, 2025, in Seattle, Washington.

4 s/ John A. Goldmark

5 John A. Goldmark
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Exhibit A

Worked Date	Timekeeper	Title	Worked Hours 15.20	Worked Amount \$12,296.00
5/16/2024	Goldmark, John A.	Partner	0.7	\$598.50
5/20/2024	Goldmark, John A.	Partner	0.6	\$513.00
7/12/2024	Almeida, MaryAnn	Attorney	1.1	\$830.50
7/29/2024	Almeida, MaryAnn	Attorney	1.1	\$830.50
7/30/2024	Almeida, MaryAnn	Attorney	0.2	\$151.00
8/1/2024	Almeida, MaryAnn	Attorney	0.1	\$75.50
8/5/2024	Goldmark, John A.	Partner	0.4	\$342.00
8/6/2024	Goldmark, John A.	Partner	1.4	\$1,197.00
8/7/2024	Almeida, MaryAnn	Attorney	1.7	\$1,283.50
8/7/2024	Goldmark, John A.	Partner	1.5	\$1,282.50
8/16/2024	Almeida, MaryAnn	Attorney	0.3	\$226.50
8/16/2024	Goldmark, John A.	Partner	0.8	\$684.00
9/10/2024	Goldmark, John A.	Partner	0.8	\$684.00
9/13/2024	Almeida, MaryAnn	Attorney	0.2	\$151.00
10/21/2024	Goldmark, John A.	Partner	0.9	\$769.50
10/4/2024	Almeida, MaryAnn	Attorney	0.4	\$302.00
11/5/2024	Almeida, MaryAnn	Attorney	1.6	\$1,208.00
11/6/2024	Almeida, MaryAnn	Attorney	0.2	\$151.00
11/6/2024	Goldmark, John A.	Partner	0.8	\$684.00
3/13/2025	Almeida, MaryAnn	Attorney	0.2	\$166.00
3/14/2025	Almeida, MaryAnn	Attorney	0.2	\$166.00